

REMARKS

In response to the Notice of Allowance dated November 1, 2010, and in support of a Request for Continued Examination filed herewith, claims 1-59 have now been canceled and new claims 60-79 have been added. Claims 60-79 are pending in the application.

Previously Banker, Hoarty and Palazzi were cited against the claims.

Applicant respectfully submits that new independent claims 60, 67, 77 and 79 are patentable over the cited references because the cited references, alone or in combination, fail to disclose, teach or suggest a hardware upgrade microprocessor, coupled to a interface signal path and directly connected to the microprocessor of the set top terminal, and processing circuitry, wherein the hardware upgrade microprocessor accesses a memory and controls the processing circuitry to cause the processing circuitry to provide enhanced functions to the set top terminal via the interface signal path.

The previously cited references merely showed a second microprocessor that executed programs for providing additional functions. The previously cited references failed to suggest processing circuitry controlled by the upgrade processor to provide enhanced functions to the set top terminal.

Dependent claims 61-66, 68-76 and 78 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1, 60, 67 and 77, respectively. Further dependent claims 61-66, 68-76 and 78 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 61-66, 68-76 and 78 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould
P.O. Box 2903
Minneapolis, MN 55402-0903
(865) 380-5976



By: _____

Name: David W. Lynch
Reg. No.: 36,204